

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

BOBBY DON MULLINIX

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Case No. 4:03cr128
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 12, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Glenn Jackson.

On February 17, 2004, Defendant was sentenced by the Honorable Richard A. Schell to fifteen (15) months' custody followed by three (3) years of supervised release for the offense of Possession of a Stolen Firearm. On September 7, 2004, Defendant started his term of supervised release. On May 23, 2006, the term of supervised release was revoked and the Defendant was sentenced to eighteen (18) months' custody followed by an additional eighteen (18) months of supervised release. On May 21, 2007, Defendant completed his second period of imprisonment and began service of his new supervised term.

On June 11, 2007, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory conditions: (1) the defendant must report to the probation office in the district to which the defendant is released within seventy-two (72) hours of release from the custody of the Bureau of Prisons; (2) that defendant not commit another federal, state, or local crime; and (3) the defendant shall not

possess a firearm, ammunition, destructive device, or any other dangerous weapon.

The petition alleges that Defendant committed the following acts: (1) On May 21, 2007, Defendant was released from the Bryan County Jail, and failed to report to the U.S. Probation Office in the Eastern District of Oklahoma or in the Eastern District of Texas within seventy-two (72) hours of release; and (2) On or about May 23, 2007, Defendant is alleged to have committed the offense of Murder in the First Degree with a baseball bat, in the death of Tristan Ace York. Defendant was convicted of this offense.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months to run concurrently with any sentence he is serving, with no supervised release to follow.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 13th day of May, 2010.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE